



UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

SAUL SABINO,

Plaintiff,

-against-

PORT AUTHORITY POLICE
DEPARTMENT, et al.,

Defendants.

21-CV-05731 (JGK) (BCM)

ORDER

BARBARA MOSES, United States Magistrate Judge.

The Court has received and reviewed defendants' January 25, 2023 letter, attaching eight certificates of disposition reflecting plaintiff's prior criminal convictions (Dkt. 122), and defendants' February 15, 2023 letter, attaching plaintiff's most recent sentencing transcript and one certificate of disposition. (Dkt. 128.) In accordance with Fed. R. Civ. P. 37(b)(2)(A)(i) and this Court's Order dated January 13, 2023 (Dkt. 114), the following facts are deemed established for purposes of this action:

1. Plaintiff was arrested on March 10, 2005. He pled guilty to petit larceny, in violation of N.Y. Penal Law § 155.25, and on October 11, 2005, was sentenced to four months in prison.

2. Plaintiff was arrested on December 23, 2005. He pled guilty to robbery in the first degree, in violation of N.Y. Penal Law § 160.15, a violent felony, and on February 22, 2008, was sentenced to seven years in prison, followed by five years of post-release parole supervision.

3. Plaintiff was arrested on September 11, 2006. He pled guilty to grand larceny in the fourth degree, in violation of N.Y. Penal Law § 155.30, and on February 22, 2008, was sentenced to one year in prison.

4. Plaintiff was arrested on September 19, 2006. He pled guilty to criminal possession of a weapon in the third degree, in violation of N.Y. Penal Law § 265.02, and on February 22, 2008, was sentenced to two years in prison and three years of post-release parole supervision.

5. Plaintiff was arrested on May 9, 2007. He pled guilty to assault in the third degree, in violation of in violation of N.Y. Penal Law § 120.00, and on December 6, 2007, was sentenced to five days in prison.

6. Plaintiff was arrested on October 24, 2014. He pled guilty to menacing in the second degree, in violation of N.Y. Penal Law § 120.14, and on May 12, 2015, was sentenced to a \$500 fine.

7. Plaintiff was arrested on August 21, 2019. He pled guilty to petit larceny, in violation of N.Y. Penal Law § 155.25, and on October 10, 2019, was sentenced to five months in prison.

8. Plaintiff was arrested on August 10, 2020. On October 24, 2022, he pled guilty to criminal possession of a weapon in the third degree, in violation of N.Y. Penal Law § 265.02, and was adjudicated a second felony offender, after which he was sentenced to three to six years in prison.

Nothing in this Order shall be construed as determining the admissibility of the established facts at trial.

Dated: New York, New York
February 17, 2023

SO ORDERED.



BARBARA MOSES
United States Magistrate Judge